

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Continuation Patent Application Of:) Prior Application:
Kenneth Kiron and Kevin S. Bander) Application No. 09/579,801
) Filed: May 26, 2000
Mailed: April 23, 2001) Art Unit: 2761
) Examiner: Not Assigned
For: Open End Mutual Fund Securitization Process)	Present Application:
) Examiner: Not Assigned
) Art Unit: Not Assigned

Box Patent Application
Fee
Commissioner For Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

The above-identified Application is a continuation of co-pending prior U.S. Application No. 09/579,801, which is a continuation of U.S. Application No. 09/140,868 filed August 27, 1998, now U.S. Patent No. 6,088,685, which is a continuation of U.S. Application No. 08/542,431 filed October 12, 1995 now U.S. Patent No. 5,806,048. Before examination, please amend the instant Application as follows:

In the Specification:

On page 1, line 5 (of the Substitute Specification), please insert

-- This Application is a continuation of co-pending U.S. Application No. 09/579,801 filed May 26, 2000, which is a continuation of U.S. Application No. 09/140,868 filed August 27, 1998, now U.S. Patent No. 6,088,685, which is a continuation of U.S. Application No. 08/542,431 filed October 12, 1995 now U.S. Patent No. 5,806,048.- -

In the Claims:

Please cancel Claims 75-89 without prejudice.

Please replace claim 53 with the following corresponding amended claim:

53. (Amended) A method comprising the steps of:

separating a group of mutual fund shares into a subgroup that satisfies an investment objective;

creating an exchange traded fund having a number of outstanding shares and having a portfolio comprising of the mutual fund shares within the subgroup;

trading the outstanding shares of the exchange traded fund on an exchange at a real time determined price related to the mutual fund shares comprising the subgroup; and
outputting an indication of the real time determined price in a humanly readable format.

Please add the following claims:

- 90. The method of claim 53 wherein the investment objective includes aggressive growth.
91. The method of claim 53 wherein the investment objective includes growth and income.
92. The method of claim 53 wherein the investment objective includes growth.
93. The method of claim 53 wherein the investment objective includes income.
94. The method of claim 53 wherein the investment objective includes investing within a sector.
95. The method of claim 53 wherein the investment objective includes equity.
96. The method of claim 53 wherein the investment objective is small companies.
97. The method of claim 53 wherein the investment objective is government bonds.
98. The method of claim 53 wherein the investment objective is bonds.
99. The method of claim 53 further comprising the step of listing the outstanding shares on an exchange.
100. The method of claim 53 further comprising the step of listing on an exchange a derivative having a price related to the real time determined price.
101. The method of claim 53 further comprising the step of calculating overall positions of shareholders of the outstanding shares.
102. The method of claim 53 further comprising the step of electronically trading the outstanding shares.
103. A method comprising the steps of:
listing outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares that satisfy an investment objective, the mutual fund shares within the portfolio being weighted;
trading the outstanding shares of the exchange traded fund on an exchange at a price related to the price of the mutual fund shares within the portfolio; and
displaying in real time the price that the outstanding shares were traded on the exchange.

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104. The method of claim 102 further comprising the step of listing a derivative having a price related to the price of the outstanding shares.
105. The method of claim 102 further comprising the step of calculating overall positions of shareholders of the outstanding shares.
106. The method of claim 102 further comprising the step of electronically trading the outstanding shares.
107. The method of claim 102 wherein the investment objective includes aggressive growth.
108. The method of claim 102 wherein the investment objective includes growth and income.
109. The method of claim 102 wherein the investment objective includes growth.
110. The method of claim 102 wherein the investment objective includes income.
111. The method of claim 102 wherein the investment objective includes investing within a sector.
112. The method of claim 102 wherein the investment objective includes equity.
113. The method of claim 102 wherein the investment objective is small companies.
114. The method of claim 102 wherein the investment objective includes government bonds.
115. The method of claim 102 wherein the investment objective includes bonds.
116. A fund comprising:
 - a portfolio comprising of mutual fund shares, the mutual fund shares within the portfolio being weighted and the portfolio being changeable to maintain an investment objective;
 - a plurality of outstanding shares of the fund listed and tradable on an exchange at a price related to the price of the mutual fund shares within the portfolio; and
 - an electronic system that displays in real time the price that the outstanding shares were traded on the exchange.
117. The fund of claim 115 wherein the investment objective includes aggressive growth.
118. The fund of claim 115 wherein the investment objective includes growth and income.
119. The fund of claim 115 wherein the investment objective includes growth.
120. The fund of claim 115 wherein the investment objective includes income.
121. The fund of claim 115 wherein the investment objective includes investing in mutual funds that invest within a substantially similar industry.

122. The fund of claim 115 wherein the investment objective includes equity.
123. The fund of claim 115 wherein the investment objective is small companies.
124. The fund of claim 115 wherein the investment objective is bonds.
125. The fund of claim 115 wherein the investment objective is government bonds.
126. A method comprising the steps of:

buying outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares, the mutual fund shares within the portfolio being weighted and the portfolio being changeable to maintain an investment objective;

selling the outstanding shares of the exchange traded fund on an exchange at a price related to the price of the mutual funds shares within the portfolio; and

displaying in real time the price that the outstanding shares were traded on the exchange.

127. The method of claim 125 wherein the investment objective includes aggressive growth.
128. The method of claim 125 wherein the investment objective includes growth and income.
129. The method of claim 125 wherein the investment objective includes growth.
130. The method of claim 125 wherein the investment objective includes income.
131. The method of claim 125 wherein the investment objective includes investing in mutual funds that invest within a substantially similar industry.
132. The method of claim 125 wherein the investment objective includes equity.
133. The method of claim 125 wherein the investment objective is small companies.
134. The method of claim 125 wherein the investment objective is government bonds.
135. The method of claim 125 wherein the investment objective is bonds.
136. A method comprising the steps of:

listing on an exchange outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares, the portfolio being changeable to maintain an investment objective;

providing an exchange for trading outstanding shares of the exchange traded fund at a price related to the price of the mutual fund shares within the portfolio; and

displaying in real time the price that the outstanding shares were traded on the exchange.
137. The method of claim 135 wherein the investment objective includes aggressive growth.

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138. The method of claim 135 wherein the investment objective includes growth and income.
139. The method of claim 135 wherein the investment objective includes growth.
140. The method of claim 135 wherein the investment objective includes income.
141. The method of claim 135 wherein the investment objective includes investing in securities within a substantially similar industry.
142. The method of claim 135 wherein the investment objective includes equity.
143. The method of claim 135 wherein the investment objective is small companies.
144. The method of claim 135 wherein the investment objective is bonds.
145. The method of claim 135 wherein the investment objective is government bonds.
146. A method comprising the steps of:
- listing outstanding shares of an exchange traded fund having a portfolio comprising of mutual fund shares registered within a country, the mutual fund shares within the portfolio being weighted and the portfolio being changeable to maintain an investment objective;
 - providing an exchange for trading the outstanding shares at a price related to the price of the mutual fund shares within the portfolio; and
 - displaying in real time the price that the outstanding shares were traded on the exchange.
147. The method of claim 145 further comprising the step of listing a derivative having a price related to the price of the outstanding shares.
148. The method of claim 145 further comprising the step of calculating overall positions of shareholders of the outstanding shares.
149. The method of claim 145 further comprising the step of electronically trading the outstanding shares.--

REMARKS

This Preliminary Amendment is being submitted in connection with a continuation Application. Independent Claim 53 has been retained for purposes of this filing. Claims 90-149 have been added. No new matter has been added by the above amendments.

Applicants enclose with this Preliminary Amendment a fee calculations sheet along with a check for the amount due. The Commissioner is hereby authorized to charge payment of any

Attorney Docket No. 3001 P 015
Title: "Open End Mutual Fund Securitization Process"
Inventors: Kenneth Kiron and Kevin S. Bander
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deficiency in these fees to Deposit Account No. 23-0280. A duplicate copy of this sheet is enclosed for that purpose.

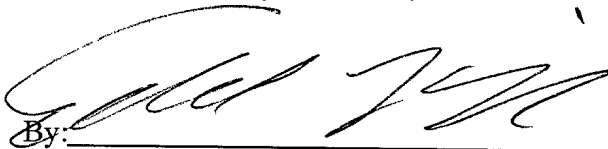
In accordance with 37 C.F.R. 1.121, Applicants attach hereto one (1) sheet containing those mark-ups corresponding to the claim 53 amendments.

It is submitted that the currently pending claims are in condition for allowance. Should the Examiner have any issues or concerns, the undersigned respectfully requests a telephonic or personal interview.

Respectfully submitted,

Dated:

4/23/01

By: 

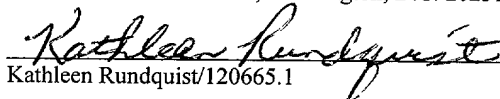
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CERTIFICATION UNDER 37 C.F.R. § 1.10

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Date of Deposit: April 23, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: BOX Patent Application, Fee, Commissioner for Patents, Washington, D.C. 20231.


Kathleen Rundquist/120665.1

FILED "E3504850"

53. (Amended) A method comprising the steps of:

separating [the] a group of mutual fund shares into a subgroup that satisfies an investment objective [securities into a sector comprising a subset of the group of securities within a substantially similar industry];

creating an [open end] exchange traded fund having a number of outstanding shares and having a portfolio comprising of the mutual fund shares [securities] within the subgroup [sector;

changing the securities comprising the fund in response to the changing of the securities comprising the sector;]

trading the outstanding shares of the exchange traded fund on an exchange at a real time determined price related to the mutual fund shares comprising the subgroup [securities comprising the sector]; and

outputting an indication of the real time determined price in a humanly readable format.

Table 1 Summary of the data sets used in the study

Study	Year	Sample size (n)	Age range (years)	Gender (M/F)	Location	Study type
1	1998	100	18-25	50/50	USA	Lab
2	2000	150	18-25	75/75	USA	Lab
3	2002	200	18-25	100/100	USA	Lab
4	2004	300	18-25	150/150	USA	Lab
5	2006	400	18-25	200/200	USA	Lab
6	2008	500	18-25	250/250	USA	Lab
7	2010	600	18-25	300/300	USA	Lab
8	2012	700	18-25	350/350	USA	Lab
9	2014	800	18-25	400/400	USA	Lab
10	2016	900	18-25	450/450	USA	Lab
11	2018	1000	18-25	500/500	USA	Lab
12	2020	1100	18-25	550/550	USA	Lab
13	2022	1200	18-25	600/600	USA	Lab
14	2024	1300	18-25	650/650	USA	Lab
15	2026	1400	18-25	700/700	USA	Lab
16	2028	1500	18-25	750/750	USA	Lab
17	2030	1600	18-25	800/800	USA	Lab
18	2032	1700	18-25	850/850	USA	Lab
19	2034	1800	18-25	900/900	USA	Lab
20	2036	1900	18-25	950/950	USA	Lab
21	2038	2000	18-25	1000/1000	USA	Lab
22	2040	2100	18-25	1050/1050	USA	Lab
23	2042	2200	18-25	1100/1100	USA	Lab
24	2044	2300	18-25	1150/1150	USA	Lab
25	2046	2400	18-25	1200/1200	USA	Lab
26	2048	2500	18-25	1250/1250	USA	Lab
27	2050	2600	18-25	1300/1300	USA	Lab
28	2052	2700	18-25	1350/1350	USA	Lab
29	2054	2800	18-25	1400/1400	USA	Lab
30	2056	2900	18-25	1450/1450	USA	Lab
31	2058	3000	18-25	1500/1500	USA	Lab
32	2060	3100	18-25	1550/1550	USA	Lab
33	2062	3200	18-25	1600/1600	USA	Lab
34	2064	3300	18-25	1650/1650	USA	Lab
35	2066	3400	18-25	1700/1700	USA	Lab
36	2068	3500	18-25	1750/1750	USA	Lab
37	2070	3600	18-25	1800/1800	USA	Lab
38	2072	3700	18-25	1850/1850	USA	Lab
39	2074	3800	18-25	1900/1900	USA	Lab
40	2076	3900	18-25	1950/1950	USA	Lab
41	2078	4000	18-25	2000/2000	USA	Lab
42	2080	4100	18-25	2050/2050	USA	Lab
43	2082	4200	18-25	2100/2100	USA	Lab
44	2084	4300	18-25	2150/2150	USA	Lab
45	2086	4400	18-25	2200/2200	USA	Lab
46	2088	4500	18-25	2250/2250	USA	Lab
47	2090	4600	18-25	2300/2300	USA	Lab
48	2092	4700	18-25	2350/2350	USA	Lab
49	2094	4800	18-25	2400/2400	USA	Lab
50	2096	4900	18-25	2450/2450	USA	Lab
51	2098	5000	18-25	2500/2500	USA	Lab
52	2100	5100	18-25	2550/2550	USA	Lab
53	2102	5200	18-25	2600/2600	USA	Lab
54	2104	5300	18-25	2650/2650	USA	Lab
55	2106	5400	18-25	2700/2700	USA	Lab
56	2108	5500	18-25	2750/2750	USA	Lab
57	2110	5600	18-25	2800/2800	USA	Lab
58	2112	5700	18-25	2850/2850	USA	Lab
59	2114	5800	18-25	2900/2900	USA	Lab
60	2116	5900	18-25	2950/2950	USA	Lab
61	2118	6000	18-25	3000/3000	USA	Lab
62	2120	6100	18-25	3050/3050	USA	Lab
63	2122	6200	18-25	3100		